

MONTANA LEGISLATIVE HISTORY

Chapter 580 19 85

Bill H 801 S _____ Original bill & history C

H. Committee on State Administration

Hearing Date(s) Feb 22 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Feb 22 ☒ C

S. Committee on Judiciary

Hearing Date(s) Mar 13 ☒ C

Mar 15 ☒ C

_____ ☐ C

_____ ☐ C

Mar 15 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

3/15	HEARING		
3/15	COMMITTEE REPORT-BILL CONCURRED		
3/21	2ND READING CONCURRED	43	4
3/23	3RD READING CONCURRED	49	0
RETURNED TO HOUSE			
3/26	SIGNED BY SPEAKER		
3/26	SIGNED BY PRESIDENT		
3/27	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 267	EFFECTIVE DATE: 10/01/85	

HB 801 INTRODUCED BY JENKINS, COMPTON, IVERSON
ALLOCATING YOUTH COURT COSTS AMONG THE COUNTIES
BASED ON COST EXPERIENCE

2/12	INTRODUCED		
2/12	REFERRED TO JUDICIARY		
2/18	REFERRED TO STATE ADMINISTRATION		
2/22	HEARING		
2/22	COMMITTEE REPORT-BILL DO PASS		
2/25	2ND READING PASS	94	3
2/26	3RD READING PASS	95	3
TRANSMITTED TO SENATE			
3/04	REFERRED TO JUDICIARY		
3/13	HEARING		
3/16	COMM REPORT-BILL CONCURRED AS AMENDED		
3/21	2ND READING CONCURRED	48	0
3/23	3RD READING CONCURRED	46	3
RETURNED TO HOUSE WITH AMENDMENTS			
4/08	2ND READING AMENDMENTS CONCURRED	92	4
4/08	ON MOTION RULES SUSPENDED		
	PLACED ON 3RD READING THIS DAY		
4/08	3RD READING AMENDMENTS CONCURRED	95	3
4/15	SIGNED BY SPEAKER		
4/15	SIGNED BY PRESIDENT		
4/17	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 580	EFFECTIVE DATE: 4/19/85	

HB 802 INTRODUCED BY ADDY, FRITZ, ET AL.
TO APPROPRIATE MONEY FOR MBA PROGRAM AT EASTERN
MONTANA COLLEGE

2/12	INTRODUCED
2/12	REFERRED TO APPROPRIATIONS
3/08	HEARING
3/12	HEARING
3/14	HEARING
	DIED IN COMMITTEE

HB 803 INTRODUCED BY PECK
CONFORM JUROR/WITNESS FEES OF CRT. NOT OF RECORD TO
THOSE OF COURT OF RECORD

2/12	INTRODUCED
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MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 22, 1985

The meeting of the State Administration Committee was called to order by Chairman Sales at 8:00 a.m. in Room 317 of the State Capitol on the above date.

ROLL CALL: Seventeen members were present with Rep. Moore excused.

CONSIDERATION OF HOUSE BILL NO. 893: Rep. Joe Quilici District #71, said that this bill would limit the number of copies of the administrative codes that are sent to the county offices and would save the State the amount of \$42,000. He said that one in the courthouse should be sufficient.

PROPOSERS: There were none.

OPPOSERS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 893: Chairman Sales, referring to Gallatin County, said their courthouse is one area and their law and justice center is in another. He said that the district judges do consult these rules, however, Rep. Quilici stated that the district judges receive a copy of the rules for their use.

Without further comment, Rep. Quilici closed.

CONSIDERATION OF HOUSE BILL NO. 801: Rep. Loren Jenkins, District #13, said that with the redistricting his area was pushed into another court district and they were paying the probation officer according to work load. Now they are paying according to county taxable valuation.

PROPOSERS: Henry Grossman, county commissioner from Chouteau County, appeared as a proponent to the bill, saying that they paid the probation officer \$6,724 last year and this year it increased to \$22,600. They are paying 30% of the probation officer's salary and he visits their county once each week. This bill would assure that all counties would be paying their fair share and would put the probation officers and court reporters into the same formula for salaries. (See attached Exhibit #1)

Gordon Morrison, Executive Director of the Montana Association of Counties, enforced Mr. Grossman's comments and said it is not logical to decide this cost on assessed valuation. It makes much more sense to determine this on county case load.

Rep. Duane Compton wished to be on the record in support of HB 801. His area consists of Blaine, Phillips and Valley Counties; they receive about 10% of the probation officer's time and they will be paying about 1/3 of his costs.

OPPONENTS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 801: Rep. Cody asked if this would have an effect on their wages to which Mr. Morrison replied it would have no effect as their wages are set by State law.

Rep. Fritz questioned page 1, line 23 and page 2, line 2. Mr. Morrison said this is simply the logic of being able to identify the case load at the end of the calendar year and allocating costs for the coming fiscal year.

In closing, Rep. Jenkins said this is a situation that should be corrected and the probation officer should be paid by case load and on the same formula as the court reporters.

CONSIDERATION OF HOUSE BILL NO. 905: Rep. Toni Bergene, District #41, sponsor, explained that the bill would create and fund a jail standards commission attached to the department of administration. She submitted proposed amendments and said that the bill that came out of the Council was too different from the original draft. A Statement of Intent was also submitted.

PROPOSERS: Pete Howard, Sheriff, Teton County, said that the ACLU is going to come into Montana and study our jails. They are going to look for places where they are going to need something more than bond issues such as a court order or at least the threat of such. He submitted written testimony, Exhibit #2 attached, and also explained the amendments proposed by Rep. Bergene step by step.

Walter Hammermeister, Sheriff of Pondera County, also appeared in support of HB 905. He told the committee members that a lot of work had been put into this bill as it had been worked on for the last session, withdrawn and then worked on again before this session. The National Institute of Corrections has approved the makeup of the Commission. There are no public members on the Commission and they receive no compensation, only their expenses. All members are professionals with concerns for county jails. The powers and duties established are advisory only, not mandatory. They are concerned only with legal liability aspects of construction of new jails and not the mechanical aspects. These jail standards that have been worked up have been scrutinized by the NIC and were approved. The federal standards are accepted State standards. The bill provides funding for this Commission by

American Corrections Association standards already and the Montana standards book has not been accepted by anyone. Rep. Garcia made the SUBSTITUTE MOTION TO TABLE. This being a nondebatable motion the motion failed on a 10-8 vote with Reps. Fritz, Harbin, Hayne, Pistoria, Nelson, Peterson, O'Connell and Campbell voting "no".

Rep. Nelson said the idea is good but he was bothered that it came in on the last day before transmittal. He asked if they could get a suspension of the rules and transmit it late. Rep. O'Connell wondered why the Sheriff's Association lobbyist, John Scully wasn't at the hearing also why the Montana Association of Counties or the Sheriff's Association was absent.

Rep. Cody said it had not been put together very well but said it is an issue that is going to have to be addressed somewhere along the line. She said they ought to have at least another two years to work on this. Rep. Fritz stated the local government committee has already authorized regional jails and also private construction of jails.

Rep. Jenkins was concerned that they had to belong to certain associations, however, Rep. Cody explained that it was the associations' money that paid for this three year study and they just wanted them to help pay for the costs from here on out.

Rep. Phillips said that the codes stipulate what the fines will be and wondered if this bill could add a surcharge to those fines. Rep. Peterson suggested that they go back to tabling this bill and suggest to the people involved that they look at the bills that have come out this session.

Rep. Garcia moved a SUBSTITUTE MOTION TO TABLE HB 905, seconded by Rep. Peterson. The motion CARRIED with Rep. Hayne voting "no".

DISPOSITION OF HOUSE BILL NO. 801: Rep. Phillips moved that HB 801 DO PASS, seconded by Rep. Compton. Motion CARRIED with Rep. Harbin voting "no".

DISPOSITION OF HOUSE BILL NO. 893: Rep. O'Connell moved that HB 893 DO PASS, seconded by Rep. Garcia. The motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 814: Rep. Cody explained her amendments to the Committee doing away with creating a women's bureau because the legislature doesn't normally create bureaus. She said this technical assistance, which her amendments provide for, could be handled through the department of commerce but the bill would still maintain the intent of Rep. Moore and it would still remain his bill.

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/22/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliaday, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet			✓
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul	✓		
Smith, Clyde	✓		

STANDING COMMITTEE REPORT

February 22

19 25

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 301

First reading copy (White)
color

ALLOCATING YOUTH COURT COSTS AMONG THE COUNTIES BASED
ON COST EXPERIENCE

Respectfully report as follows: That HOUSE Bill No. 301

DO PASS

VISITORS' REGISTER

COMMITTEE

BILL NO. _____

DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Virginia Kenyon	Helena		
Henry Grossman	Chouteau Co Comm.	HB 801	
BERNICE GROSSMAN	SHONKIN MT.	HB 801	
A. Morris	MACO	HB 801	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 13, 1985

The forty-eighth meeting of the Senate Judiciary Committee was called to order at 10:06 a.m. on March 13, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF HB 801: Representative Loren Jenkins, sponsor of the bill, testified the effect of this bill is they will be paid in each county according to its case load. He is from a three county judicial district. By valuation, the two counties, instead of paying by case load, are paying an unequal proportion. They only ask that they pay for what work is allocated to their counties.

PROPOSERS: Henry Gossman, Choteau County Commissioner, presented written testimony to the committee (Exhibit 1). Beverly Gibson, representing the Montana Association of Counties, testified in support of the bill stating it is basically a housekeeping measure. They are asking that the language be made similar to that of court reporters.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Mazurek questioned the effective date. He stated this would require the counties to go back for this year and allocate these costs different than they have done up to this point for 1985. Mr. Jenkins stated the application will go into effect this year, but the judge will forward it to the county commissions for their budget year 1986. It will not change the counties' budget in 1985, but it gives them a chance to start their groundwork in 1985 so the judge can send it to the commissioners for the 1986 budget. Senator Mazurek asked if it were their intention to make it apply to this year. Mr. Jenkins replied yes. Mr. Gibson stated for the next fiscal year, 1986, the counties set their budget in July and adopt it in August. They base it on calendar years 1984 and 1985. Senator Mazurek asked if the effective date shouldn't be July 1, 1986. Senator Towe commented it didn't have that impact. Senator Mazurek questioned whether case load accurately determined work load. Mr. Gibson replied generally that would be a rule of thumb similar to the court reporters' case load. Senator Pinsoneault commented the youth court judge and the district judge are one and the same. He asked if the youth court were to make that determination. Some of your probation officers work for the

Department of Institutions. Senator Mazurek stated they are hired by the district judge. Senator Pinsoneault asked if there were someone else, because the district judges are pretty busy. Senator Towe asked if they intended this bill to be operative for calendar year 1985. Mr. Jenkins replied this bill will go into effect on its passage, but it will go into effect on the county commissioners' level for calendar year 1986.

CLOSING STATEMENT: Representative Jenkins said this bill, if passed, will allow the outlying counties a little better work load of the probation officer, who will be a little more responsible and will have to go into those counties more often to get his case load into proportion with his counties. Under our current system, if he only comes once a month, he is paid the same.

Hearing on HB 801 was closed.

CONSIDERATION OF HB 340: Representative Jack Ramirez, sponsor of HB 340, testified this is an act to generally revise the law regarding disposition of abandoned property in a landlord situation. Some of these things appear to be amendments, but they are just rearranging the current law. In this bill we will now have a specific period of time for the landlord to determine when the property has been abandoned. The landlord must now inventory and store the goods. This bill clarifies the law and the definition of reasonable storage costs. Page 4, lines 15-16, gives you an alternative to do it under the UCC provisions or a sheriff's sale. You can apply the proceeds to any delinquent rent. It is being done right now, but this clarifies it.

PROPOSERS: Jim Kennedy, Representative of the Montana Landlords Association, presented written testimony to the committee (Exhibit 2).

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Pinsoneault asked Representative Ramirez if he saw any problem on the top of page 4 as to whether there would be any problem with the tenant's paying for the storage costs if the tenant removes the property. Representative Ramirez replied that was an oversight.

CLOSING STATEMENT: None.

Hearing on HB 340 was closed.

CONSIDERATION OF HB 790: Representative Jack Ramirez, sponsor of the bill, stated this bill was designed to clarify some decisions by the

ROLL CALL

SENATE JUDICIARY

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 25/5

[illegible]

DATE

March 13, 1985

COMMITTEE ON

Judiciary

BILL NO. SJR 31

HB 340, 345, 371, 425, 790, 801, 808

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Robert Allen	Mr. P. Face D. Case	HB 371	
Tom Sherry	Tom Sherry Tire Miranda	HB 371	
Robert Babler	Balabala Tire, Wash.	HB 371	
Don Sherry	Don Sherry Tire, Miranda	HB 371	
John D. Massman	Christian Co. Commissioner	HB 701	
Harry Nohle	Berry Nohle firm GTPALLS BOZ.	HB 371	
Robert K. L. Lerner		HB 801	
George T. Bonnett II	MAINT. BKRS ASSN	#	HB 371
Tom KENNEDY	MT LANDLORDS ASSOC	HB 340	
W. K. Kerner	WIFE	SJR 31	
Charles Gravelle	Co. Treas & Co. Attorney	425	
Beverly Gibson	HACO	801	
Don G. Hollinger	Mont. Bldg. Material Wash. DC	SJR 31	
Henry Schumacher	MT Agt. Pres. HB, SJR 31	SJR 31	?
Harold Johnson	Ag. Wisc.		✓?
Jerry Sullivan	CON AGRO	SJR 31	✓?
Brucell Davis	Montana Ag. Pres. Assn.		JR 31 ?
Robert Boyles	I am employee Simplat. Seaboard		SJR 31 ?
David J. Ilkinen	LENA		
David J. Ilkinen	Hydram Comm. E. Auctioneer		
Tom Peterson	Shields Valley Creamery Inc.	SJR 31	
Harry Mariner	Dept of Justice	HB 365	
Wiley Johnson	Mont. Home Builders Ass'n	SJR 31	
Ken Nell	Con Agn		SJR 31
Ken Nell	MT. Chamber of Commerce	SJR 31	
Julie Ballou	Mont PIRG	HB 340	

(Please leave prepared statement with Secretary)

Mr. Chairman and members of the committee I am Henry Grossman a county commissioner from Chouteau County. I am here to offer my support to HB-801.

There is a lack of uniformity in the laws pertaining to the formula that is used by the district judges in ordering counties to pay their share of the court reporters and juvenile probation officers salaries when two or more counties share the same reporter or officer.

I will use Chouteau County as the example to illustrate this point. Last year we paid a juvenile officer at the rate of \$6,724.00 per year to come into our county once a week to take care of our juvenile problems. The district court judge decided this rate based more or less on case load or time spent in our county.

January 1 of this year we were put into a different judicial district and our new district court judge ruling was to "run it by the book" and gave us the order that our share of the juvenile probation officers salary and expenses would be 30% of the total costs of the probation officers. This is based on M.C.A. 41-5-704 that states when two or more counties share the same probation officer each county's share of the officers salary will be based on the valuation of the counties involved and not based on case load as is the case of the court reporter as stated in M.C.A. 3-5-601.

Last year when the court saw fit to charge Chouteau County according to case load or time spent in the county our annual budget was \$6,724.00 for the probation officer salary. This year when we were ordered to pay the probation officers salary "by the book" it increased our budget to over \$22,500.00 or \$15,876.00 more than last year. This cost covers the proposed two or three visits the officer will make to our county every month.

I haven't checked with any other county in the state except for Liberty County but I am sure there are others in the same situation as Chouteau County in regards to the costs of the probation officer.

By approving this bill it will assure that all counties will be paying their fair share toward costs of our probation officers and it would put the probation office and court reporters into the same salary formula.

Your consideration and support of HB-801 would be greatly appreciated.

Thank you

Henry I. Grossman

Henry I. Grossman

Chouteau County Commissioner

SENATE JUDICIARY COMMITTEE

EXH BIT NO. 1

DATE 031385

BILL NO. HB 801

2. Page 2, line 25.

Following: "utility."

Insert: "Collection under subsection (1) precludes collection under this subsection."

The motion carried unanimously. Senator Towe moved the bill be further amended as follows:

Page 3, line 6.

Following: "court"

Strike: "shall"

Insert: "may"

Following: "for"

Insert: "up to"

Senator Mazurek commented the court can only enter the judgment on the finding of liability. If you want to address that, you should put the modifier in the amount of the judgment. Senator Towe replied the point may be the case was brought against somebody who bypasses knowingly or rents a house and the tenant bypasses. Senator Pinsoneault stated he liked Senator Towe's proposal because judges hate to be tied down. The motion carried with Senator Mazurek voting in opposition. Senator Blaylock moved HB 286 be amended as follows:

Page 3, line 8.

Following: "provided"

Insert: "and may award to the utility its costs, including reasonable attorney fees, incurred in maintaining the action and the costs, including expert witness fees, of presenting such expert testimony as is reasonably necessary to prove the utility's case"

The motion carried with Senator Mazurek voting in opposition. Senator Blaylock moved HB 286 be recommended BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HB 801: Senator Towe moved HB 801 be amended as follows:

Page 3, line 16.

Following: "3."

Strike: "Application in 1985."

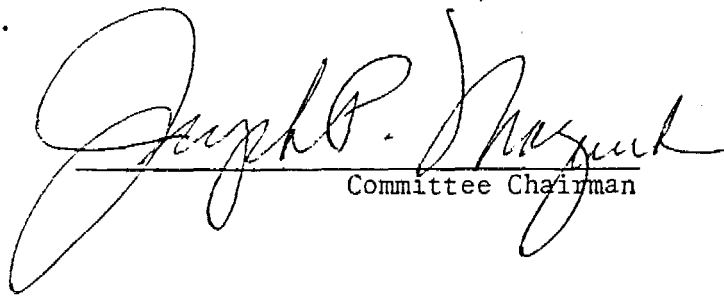
Insert: "Applicability date. This act is applicable to fiscal years following June 30, 1985."

Mr. Petesch explained this means you use calendar year 1984 experience, but it kicks in in 1986. The motion carried unanimously. Senator Towe

Senate Judiciary Committee
Minutes of the Meeting
March 15, 1985
Page 13

moved HB 801 be recommended BE CONCURRED IN AS AMENDED. The motion carried unanimously.

There being no further business to come before the committee, the meeting was adjourned at 12:38 p.m.


Committee Chairman

STANDING COMMITTEE REPORT

March 15 19 55

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 301

third reading copy (blue)
color

(Senator Kolstad)

ALLOCATING YOUTH COURT COSTS AMONG THE COUNTIES BASED ON COST EXPERIENCE

Respectfully report as follows: That HOUSE BILL No. 301

be amended as follows:

Page 3, line 16.

Following: "3."

Strike: "Application in 1935."

Insert: "Applicability date. This act is applicable to fiscal years following June 30, 1935."

AND AS AMENDED

BE CONCURRED IN

EXCERPTS

EXCERPTS

Senator Joe Mazurek

Chairman.